IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

OP.No. 13212 of 1997(W)

PETITIONER:

M.PEERUKANNU, VARUVILAKATHU PUTHEN VEEDU,
PETTANADA, BALARAMAPURAM.

BY ADV. SMT.SUMATHY DANDAPANI

RESPONDENTS:
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1. SHRI.A.NAZAR, MELEVILA POIKA, MANAKADU,
   PERUMKULAM, ATTINGAL.

2. THE REGIONAL TRANSPORT AUTHORITY,
   THIRUVANANTHAPURAM, REPRESENTED BY ITS
   SECRETARY.

3. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY,
   THIRUVANANTHAPURAM.

4. THE STATE TRANSPORT APPELLATE TRIBUNAL,
   ERNAKULAM.

BY GOVERNMENT PLEADER SRI.P.A.SALIM
SRI.K.V.GOPINATHAN NAIR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.13212/1997

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: PHOTOCOPY OF PREAMBLE OF THE NORMS DATED 29.12.1994.

EXT.P2: TRUE COPY OF PROCEEDINGS DATED 29.12.94 OF THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF PROCEEDINGS DATED 12.5.97 OF THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF APPEAL MEMO FILED BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT ON 2.6.97, IN M.V.A.A.NO.653/97.

EXT.P5: A TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT IN MVAA NO.653/97 ON 3.6.97.

EXT.P6: TRUE COPY OF REPLY AFFIDAVIT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 23.6.97 IN MVAA NO.653/97.

EXT.P7: TRUE COPY OF ADDITIONAL COUNTER AFFIDAVIT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ON 25.6.97 IN MVAA NO.653/97.

EXT.P8: PHOTOCOPY OF DEED EXECUTED BY THE PETITIONER AND 2 OTHERS ON 28.12.94.

EXT.P9: PHOTOCOPY OF CONSENT LETTER DATED 20.12.94 ISSUED BY SHRI.M.SUKUMARAN TO THE 1ST RESPONDENT.

EXT.P10: PHOTOCOPY OF RECEIPT DATED 20.12.94 ISSUED TO THE 1ST RESPONDENT.

EXT.P11: TRUE COPY OF JUDGMENT DATED 26.7.97 OF THE 4TH RESPONDENT RENDERED IN MVAA NO.653/97.

RESPONDENTS' EXHIBITS:

EXT.R1(a): CERTIFIED COPY OF THE MARK LIST PRODUCED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXT.R1(b): TRUE COPY OF THE STATEMENT FILED BY THE FIRST RESPONDENT BEFORE THE 2ND RESPONDENT DATED 12.5.1997.

EXT.R1(c): PHOTOSTAT COPY OF THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER, MANAKKAD DATED 10.3.1995.

EXT.R1(d): TRUE COPY OF THE RELEVANT PAGE OF THE RATION CARD OF THE PETITIONER.

EXT.R1(e): TRUE COPY OF THE RELEVANT PAGE OF THE VOTERS LIST.

EXT.R1(f): TRUE COPY OF THE RELEVANT PAGE OF REGISTRATION PARTICULARS IN RESPECT OF KL-01/G 6143 OF THE FIRST RESPONDENT.

EXT.R1(g): TRUE COPY OF THE RELEVANT PAGE OF THE REGISTRATION PARTICULARS IN RESPECT OF KL-6/A 1519 OF THE PETITIONER.

// TRUE COPY //

TKS

J.B.KOSHY & K.P.BALACHANDRAN,JJ.

O.P.No.13212 OF 1997

Dated 11th January, 2007

JUDGMENT

Koshy,J.

As per the impugned order of the State Transport Appellate Tribunal first respondent was granted regular permit. When the writ petition was filed in 1997, order of status quo was granted. Therefore, petitioner is also running his stage carriage. By interim order dated 13th August, 1997, separate timings were ordered to be allotted to the petitioner and the above interim arrangement is continuing from 1997 onwards and petitioner is also doing service on the basis of temporary permit granted as per the interim order of this court. It has come out in evidence that there is ample requirement and more than 10 years petitioner is also running without any permit. In the above circumstances, petitioner also shall be granted regular permit in the route along with the first respondent and others. With that observation, this original petition is disposed of.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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